

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUGO MUNOZ CARVAJAL a/k/a
Sergio Munoz-Carvajal,

Defendant.

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Case No. 8:11CR109

ORDER

This case is before the court on the defendant's Motion to Sever Defendants (#42). In the motion the defendant alleges a possible need for severance based upon Bruton v. United States, 391 U.S. 123 (1968). In the defendant's motion, the defendant acknowledges that the motion may not yet be ripe for consideration, but is filed so as not to waive any right if and when a Bruton severance issue is present. The government has responded to defendant's motion in its Omnibus Brief (#46) requesting the court deny the defendant's motion until such time as the issue is present. I find the motion should be denied without prejudice to refiling if, in fact, evidence of a Bruton issue arises.

IT IS ORDERED:

1. Defendant's Motion to Sever Defendants (#42) based upon Bruton is denied without prejudice to refiling the motion at a later time.

2. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

Dated this 3rd day of August 2011.

BY THE COURT:

S/ F.A. Gossett, III
United States Magistrate Judge